AMENDMENTS TO THE DRAWINGS

Fig. 1 has been amended to include additional item numbers that correspond with the description amended in the specification. Specifically, item numbers 15 and 16 have been added to Fig. 1, wherein item number 15 is the outwardly angled shaft section and item number 16 is the linear handle section.

Attachment: Replacement Sheets

REMARKS

Claims 1, 4-6 and 8-27 are pending. By this Amendment, claims 2-3, 7, and 13-16 are cancelled, claims 1, 4-6, 8, 17, 26, and 27 are amended and new claim 28 is added.

Allowed Claims

Claims 26 and 27 have been noted as allowed. However, the examiner is advised that both claims 26 and 27 have been amended by the present amendment.

Drawings

The term tunnel has been removed from claim 27, as such applicant submits that amendment to the drawings to show a tunnel is no longer required.

Applicant has amended Fig. 1 to include additional item numbers that correspond with the description amended in the specification. Specifically, item numbers 15 and 16 have been added, wherein item number 15 is the outwardly angled shaft section and item number 16 is the linear handle section.

Claim Rejections – 35 USC § 112

Claim 4 has been rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 4 has been amended to clarify that it is the outwardly angled shaft section that has a convexity of 0.5 to 1.5 cm. Applicant requests that rejection of claim 4 under § 112 be withdrawn.

Claim 6 has been rejected under 35 USC § 112, second paragraph, as being indefinite. The claim has been amended to delete the reference to numbers and grooves on the handle. This portion of the claim has been placed in dependent claim 28 and has correctly noted that the numbers and grooves are on the shaft.

Claim 26 has been rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 26 has been amended to correct the noted lack of antecendent basis for "the shaft opening".

Claim Rejections – 35 USC § 102

Claims 17-19 and 21-25

Claims 17-19 and 21-25 stand rejected under 35 USC § 102(b) as being anticipated by Fishell (4,653,485). Independent claim 17 has been amended to clarify that the claimed cradle is a defined, tool-engaging cradle that is located on the exterior surface of the distal tip of the cylinder of the prosthesis. Fishell describes a prosthesis cylinder having an internal cylinder and an external cylinder, wherein the external cylinder surrounds the internal cylinder. The fluid of the prosthesis is maintained between the internal and external cylinders; the internal surface of the internal cylinder presents a hollow cavity, that allows an insertion tool to be inserted within, see Fig. 1 and col. 3, lines 40-45 describing the internal/external cylinders and col. 4, lines 32-33 describing placement of the tool. Fishell does not describe a cradle that is external to the cylinder, as claimed by the present invention, but rather describes a thickened tip 18a that is internal to the cylinder and surrounds the ball 32a of the placement tool 30, again see Fig. 1.

Applicant respectfully submits that independent claim 17, as amended, recites features that are not found within Fishell and requests that the rejection to claim 17 and its dependents be withdrawn.

Claims 13-16

Claims 13-16 stand rejected under 35 USC § 102(b) as being anticipated by Mohamad. Claims 13-16 have been cancelled.

Claim Rejections – 35 USC § 103

Claim 20

Claim 20 stands rejected under 35 USC §103(a) as being unpatentable over Fishell (4,653,485). Claim 20 depends from independent claim 17 which has been amended to overcome the cited art. As applicant believes claim 17 is in an allowable format, those claims depending thereform should also be allowed. As such, the rejection of claim 20 under 35 USC §103(a) is not specifically addressed, however, applicant reserves the right to traverse the rejection at a later date if necessary.

Claims 1, 4 and 5

Claims 1 and 4 stand rejected under 35 USC §103(a) as being unpatentable over Fishell (4,653,485) in view of Thomson (5,643,288) while claim 5 stands rejected under 35 USC § 103 (a) as being unpatentable over Fishell (4,653,485) in view of Thomson (5,643,288) as applied to claim 1 and further in view of Furlow et al (4,244,370).

Independent claim 1 has been amended to clarify that the claimed device has a handle section, an intermediate section, and a tip section that includes a hole for a suture. The claim has also been amended to clarify that the intermediate section includes the outwardly angled shaft section and that the outwardly angled shaft section has a convexity sized to accommodate and partially surround the distal tip of the penile implant prosthesis along the length of the distal tip. Neither Fishell or Thomson teach or suggest a device for implanting the distal tip of the penile implant prosthesis that has an outwardly angled shaft section having a convexity sized to accommodate and partially surround the distal tip of the penile implant prosthesis along the length of the distal tip. Fishell describes only a rod with a bulbous end and Thompson describes a suture retrieving device that uses a u-shaped hook to grab the suture. As such, the features claimed are unique to the present invention and, therefore, applicant respectfully requests that the

rejections to independent claim 1 and its dependent claims 4 and 5 be withdrawn. Dependent claims 4 and 5 have been amended to clarify claim language for antecedent basis.

Claims 6, 9, 10 and 12-16

Claims 6, 9,10 and 12-16 stand rejected under 35 USC §103(a) as being unpatentable over Mohamad (5,484,450) in view of Furlow et al. (4,244,370).

Independent claim 6 has been amended to recite that the shaft of the device is provided with a convexity sized to accommodate and partially surround the proximal tip of the penile implant prosthesis along a length of the proximal tip and to further recite that the receptacle is configured to physically engage at least a portion of said proximal tip of said penile implant prosthesis. The claim further recites that the receptacle is designed to fit circumferentially about at least a portion of the cylindrical shape of the proximal tip. Neither Mohamad or Furlow teach this combination of features. Mohammad teaches a device for implanting a penile prosthesis that includes a convex surface 132 that has been split down its middle via notch 124 to create two spaced, side-by-side lobe-like sections, see Fig. 3 and col. 3, lines 33-36. Mohamad utilizes this spaced, side-by-side lobe-like configuration to engage the air tube associated with each cylindrical member of the prosthesis so as to move a portion of the cylindrical member into a portion of the corpus cavernosum. Mohamad uses this spaced, side-by-side lobe-like configuration rather than use a receptacle that is designed to fit circumferentially about at least a portion of the cylindrical shape of the proximal tip of the present to move the prosthesis as claimed by the present invention. Furlow gives no indication of any such receptacle either, rather, Furlow describes a rod type device having no convexity and requiring a suture to attach the end of the implant, i.e., that rod itself does not physically engage the implant. As such, the features claimed are unique to the present invention and, therefore, applicant respectfully

requests that the rejections to independent claim 6 and its dependent claims 9 and 10 be withdrawn.

With regard to claims 12-16, they have been cancelled.

Claims 6, 8, 10 and 11

Claims 6, 8, 10, and 11 stand rejected under 35 USC §103(a) as being unpatentable over Fishell (4,653,485) in view of Furlow et al. (4,244,370).

Independent claim 6 has been amended to recite that the shaft of the device is provided with a convexity sized to accommodate and partially surround the proximal tip of the penile implant prosthesis along a length of the proximal tip and to further recite that the receptacle is configured to physically engage at least a portion of said proximal tip of said penile implant prosthesis. Fishell describes only a rod with a bulbous end having no convexity and no receptacle. Furlow also describes a rod type device having no convexity and requiring a suture to attach the end of the implant, i.e., that rod itself does not physically engage the implant. As such, the features claimed are unique to the present invention and, therefore, applicant respectfully requests that the rejections to independent claim 6 and its dependent claims 8, 10, and 11 be withdrawn. Dependent claim 8 has been amended to remove the reference to the convex cross-section as this limitation has been incorporated into independent claim 1.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

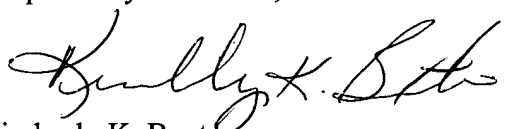

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FIG. 1